addition, the CLEC would not incur the substantial charges imposed by SBC/Ameritech for conditioning. (Covad Initial Comments, Covad Ex. 2, pp. 6-7)

There can be no question that SBC/Ameritech's loop assignment substantially impacts a CLEC's ability to offer an end user his choice of DSL service. For example, if two loops are available, one served through copper and the other through fiber, Covad would be unable to provide its fastest DSL service if the latter loop is provided, since only Covad's slowest DSL service can run over blended copper facilities. Had the other all copper loop been selected, the end user would be eligible for additional speeds and types of DSL. (Covad Initial Comments, Covad Ex. 2, p. 7) SBC/Ameritech should not be allowed to limit the customer's choice of DSL service.

The need for additional loop information in the pre-ordering and ordering processes will become even more acute when SBC rolls out Project Pronto to Illinois consumers. Since Project Pronto is an "overlay network," CLECs will be faced with two different choices for providing service to an end user – either through the Pronto architecture or through the embedded network. Thus, once Pronto is deployed, it will be even more critical for CLECs to know *all* of the facility options that exist to provide service to a particular end user in order to be able to meet their customers' service needs most quickly and at the lowest cost. (Covad Initial Comments, Covad Ex. 2, p. 8)

SBC/Ameritech will likely claim that the CLECs' loop information proposal is inefficient. (Amer. Initial Comments, Amer. Ex. 15, p. 78) To the contrary, it is SBC/Ameritech's position that results in an inefficient use of resources. Under SBC/Ameritech's current procedure, if two loops are available, one with load coils and one without, the loop without load coils could be provisioned to the CLEC providing data

service. If this occurs, additional costs will be incurred to remove load coils that prevent the DSL service from being provided over the line, when the other line was available without the need to perform such conditioning. Adoption of the CLECs' proposal, would result in the correct selection, the line without load coils would be made available for DSL service. The line with load coils could then be assigned for voice service. This is clearly a more efficient result.

SBC/Ameritech has also contended that the CLECs are in effect requesting a more "desirable" loop, but that they want to pay the cost of the less desirable loop. (See Amer. Initial Comments, Amer. Ex. 15, p. 78) Such an argument is specious, since the price for a two-wire loop does not vary based on the type of DSL service which is offered over it. Quite simply, a loop is a loop, and none is undesirable. Each can be used to provide service to an end use customer. However, some loops provide greater options when it comes to DSL services. (Tr. 897-99)

What's more, the FCC has determined that ILECs such as SBC/Ameritech should not be able to control the type of DSL service offered over a loop by imposition of conditions on the use of the loop, and that they are also not entitled to specific information concerning how the CLEC will use the loop. (Tr. 833-35) Thus, SBC/Ameritech's position that CLECs should be forced to provide additional information to SBC/Ameritech regarding the specific DSL service to be offered, and then pay a premium for the ability to offer the customer a choice of DSL service, must be rejected.

Under the non-discrimination principles of the Act, SBC/Ameritech must provide CLECs with any information that "exists anywhere within the incumbent's back office and can be accessed by any of the incumbent LEC's personnel." Since the loop availability

function requested by Covad and Rhythms already exists in SBC/Ameritech's OSS, the Commission must require SBC/Ameritech to offer that loop availability information to CLECs. (Covad Initial Comments, Covad Ex. 2, pp. 8-9)

The importance of loop pre-qualification information to CLECs is not a novel concept to this Commission. In the merger order, the Commission stated as follows:

> The Commission concurs with the CLECs arguments related to pre-loop qualification information and the uncertainty which the untimely furnishing of this critical information creates. Therefore this Commission, in order to protect the interests of customers of SBC/Ameritech Illinois under section 7-204(f), further instructs the Joint Applicants to address the concerns raised in this proceeding by CLECs regarding pre-loop qualification information in the three phase collaborative process which has been proposed and subsequently modified by this Commission.

Merger Order, p. 200. Adoption of Covad's and Rhythm's proposal would be fully consistent with the Commission's previous findings.

SBC/Ameritech's refusal to provide CLECs with the spare loop availability functions available in its OSS stands in stark contrast to the position of other ILECs. Bell Atlantic has offered to allow CLECs to view up to ten available loops to an address to determine if the available facilities meet the transmission requirements of the service requested. (*See* Verified Statement of Bogdan Szafraniec, Covad Ex. 2, Ex. A) Similarly, BellSouth has offered CLECs the ability to examine up to four spare available loops to a particular address during the pre-ordering phase. (*See Id.*) Despite the willingness of BellSouth and Bell Atlantic to offer similar OSS functionality to CLECs, SBC/Ameritech has refused to grant CLECs the same access to the spare loop availability information that resides in its OSS. (Covad Initial Comments, Covad Ex. 2, p. 9) The Commission should adopt the

practice of these other ILECs and require SBC/Ameritech to offer this functionality in Illinois. (Staff Initial Comments, Staff Ex. 2, p. 39)

In conclusion, under the current process, which SBC/Ameritech proposes to continue indefinitely, Covad and Rhythms are forced to accept the single loop offered by SBC/Ameritech, and have no means of determining what other loops are available. The loop availability function requested by Covad and Rhythms would give them the ability to determine whether a different loop is available that better meets their customers' needs. If CLECs are allowed access to information regarding all loops that are available to serve an end user, they would be able to provision a greater variety of types and speeds of DSL service more quickly and cheaply to Illinois residents. (Covad Initial Comments, Covad Ex. 2, p. 8)

B. Loop Reservation

While Covad and Rhythms seek access to the spare loop availability function, that access alone is not sufficient to allow Covad and Rhythms to provide the requested service to their customers if they are not also allowed access to the reservation functionality in SBC/Ameritech's OSS systems. Thus, the CLECs propose a loop reservation process whereby a loop identified in the pre-order process may be reserved for up to four business days. (Tr. 860) SBC/Ameritech is opposed to a loop reservation process, but its opposition is based on misplaced concerns. A reservation process is the only way to ensure that CLECs can meet their customers' service expectations and satisfy their service needs.

As stated above, a CLEC's ability to offer DSL service to a customer depends on the loop's characteristics and length. Under SBC/Ameritech's current process, a CLEC

may qualify a customer for a particular DSL service based on the loop information provided during the pre-order phase, but ultimately be unable to provide the promised DSL service because SBC/Ameritech actually provisions a different loop. In other words, SBC/Ameritech may use an all copper loop for loop qualification purposes, but then provision a fiber-fed loop. Accordingly, the CLEC may have to provide its customer with a slower speed DSL service after promising him a faster speed of service based on the pre-ordering process. In other situations, the CLEC may have to cancel the order entirely if the loop actually provisioned is too long to support DSL service. When this occurs, the CLEC's goodwill and reputation suffer. (Covad Initial Comments, Covad Ex. 2, p. 10)

While SBC/Ameritech's OSS currently has the functionality to reserve loops, SBC/Ameritech does not offer this functionality to Illinois CLECs on a pre-ordering basis. Covad and Rhythms request that SBC/Ameritech be required to offer loop reservation no later than December 2000 to ensure that a loop used to qualify the order matches the loop provisioned to the CLEC. The loop reservation would have an expiration interval such that the reservation would lapse if SBC/Ameritech does not receive an order within four days. This reservation process is similar to the process for reserving telephone numbers. (Covad Initial Comments, Covad Ex. 2, pp. 10-11)

The need for this enhancement was best stated by Covad witness Mr. Szafraniec, who explained:

> When we're referring to this reservation, it's not really to try to block one customer from another, the intent that Covad is presenting. What we are looking for is to provide the first customer the best guarantees at what we have described to them as the service we're going to provide for them, we can actually deliver; that we are not on the -- communicating with the customer and suggesting we're going to provide you

> service and it takes a little bit of time there to process the orders, you know, whether it's 48 hours for us to get everything together and then all of a sudden that service is not there because his next door neighbor now went ahead of him. I think that goes towards customer satisfaction and saying what we offered you yesterday is still available today because you decided to go forth with the reservation.

(Tr. 870-71)

Other ILECs offer the type of loop reservation requested by Covad and Rhythms. For example, once a CLEC determines which loop will best allow it to provide a particular service to an end user, BellSouth allows the CLEC to reserve that loop for up to three days. This process ensures that the designated loop will be available once the CLEC's loop order is submitted and processed. (*See* Verified Statement of Bogdan Szafraniec, Covad Ex. 2, Ex. A) This procedure ensures that the loop qualified and the loop provisioned will match. Covad and Rhythms simply seek the same pre-ordering functionality from SBC/Ameritech that BellSouth has already offered CLECs throughout its territory. (Covad Initial Comments, Covad Ex. 2, p. 10)

SBC/Ameritech has contended that the CLECs' reservation proposal would "tie up" loops and reduce its flexibility. (Amer. Initial Comments, Amer. Ex. 15, p. 79) This contention is without merit. The industry has long operated under a system where orders are placed for service on the basis of requests from end user customers for that service, and there has been no gaming of the system. (Tr. 875-77) While the reservation proposal assumes that CLECs have a good faith belief that the service will be ordered, Covad and Rhythms would not oppose including that specific requirement in the POR.

Similarly, Staff has raised a concern that a CLEC could act badly and reserve lines as a competitive strategy. The fact that a reservation process is in place in BellSouth

territory and there have been no problems identified on this record establishes as unfounded Staff's concern. Moreover, it would be unreasonable for the Commission to refuse to address a competitive obstacle facing Illinois CLECs today for fear that some CLEC will act in an extraordinary manner to exploit the system. The suggestion that a CLEC might abuse the system has been made before. There is no evidence that any CLEC is abusing the process. Moreover, system abuses are very easy to monitor. SBC/Ameritech will be able to run reports which will identify CLECs that have a disproportionate ratio of reservations as compared to other CLECs. Thus, while the CLECs do not believe there is a real risk that this will occur, they would not oppose including a limitation on the reservation process that would prevent CLECs from reserving lines if the percentage of lines they reserve compared to the percent of lines they actually acquire becomes distorted.

SBC/Ameritech also posed a hypothetical in cross examination where a customer was deciding between two CLECs, but the customer eventually went with the second CLEC. Under the hypothetical, only one loop is available to serve this customer, but it is reserved by the first CLEC. Covad's witness Szafraniec explained the many reasons why this hypothetical is flawed. For example, it is unreasonable to assume that only one loop exists. Moreover, if such a scenario arose, the second CLEC would simply ask the customer to contact the first CLEC to cancel the reservation. This happens even today. (Tr. 862-68) Thus, the bogey man SBC/Ameritech has attempted to create does not exist.

In sum, Illinois CLECs competing with SBC/Ameritech for business face a serious problem that the loops they pre-order will not be available for provisioning. Since the specific characteristics of the loop limit the type of DSL service that can be offered over it,

this problem could result in a failure to meet the end use customer's expectations and service needs. Allowing loops to be reserved for a limited time period will avoid this problem. The CLECs' proposal for a loop reservation process should be adopted.

C. Terminal Makeup

There are significant differences in the manner and types of service a DSL provider may provide to a customer when the terminal is served by copper cable versus fiber cable. For example, where a customer is served by fiber facilities, only Covad's IDSL service can run over the blended facilities at this time. In contrast, access to the copper facilities allows data CLECs to offer a broader range of DSL services. Thus, CLECs need access to the terminal configuration information stored in SBC/Ameritech's OSS in order to determine the alternatives for providing DSL service to a particular customer. Such terminal configuration information would also assist CLECs in planning for subloop ordering. (Covad Initial Comments, Covad Ex. 2, p. 11)

SBC/Ameritech refuses to provide this information to CLECs. Although SBC/Ameritech did not address this issue in its initial comments, in cross examination it became apparent that SBC/Ameritech will argue that the CLECs are seeking too much information, some of which is customer specific information to which they should not be given access. (*See* Tr. 878-87) However, as the testimony of Covad witness Szafraniec demonstrated, what the CLECs desire is information concerning the SBC/Ameritech facilities and the services it offers off of those facilities. (*Id.*) The CLECs do not seek, and would not be provided, any proprietary customer information if their proposal is adopted. (Tr. 896) All that the CLECs desire is information that is necessary to determine what

services they can offer their customers. (*Id.*) Thus, there is no countervailing reason for denying the CLECs' request.

For these reasons, the Commission should require SBC/Ameritech to provide CLECs access to the same terminal configuration information to which SBC/Ameritech has access.

Disputed Issue 56:	**Cooperative Testing – Loops**
Statement of Issue:	**Whether SBC/Ameritech should upon request provide CLECs with loop acceptance testing and cooperative maintenance testing for all types of DSL loops.**
Competitive Ramifications:	**SBC/Ameritech's failure to provide effective loop acceptance testing and cooperative maintenance testing hampers CLECs' ability to provide reliable, timely service to its end user customers.**
POR Language:	**The following language should be added to Section III.B of the POR:** **SBC/Ameritech will provide loop acceptance testing upon request for all types of DSL loops, including, but not limited to, ADSL, SDSL, and IDSL. Such testing will be conducted one day prior to the due date for the loop. When engaging in such testing, the SBC/Ameritech technician will contact the CLEC by telephone to engage in joint testing to ensure that the loop is working properly prior to turnover of the facilities.** **The following language should be added to Section III.E of the POR:** **SBC/Ameritech will provide cooperative maintenance testing upon request for all types of DSL loops, including, but not limited to, ADSL, SDSL, and IDSL. When engaging in such testing, the SBC/Ameritech technician will contact the CLEC**

prior to closing a trouble ticket in order to ensure that the trouble on the facility has been resolved.

In this OSS proceeding and in other forums, DSL providers have challenged the performance of SBC/Ameritech in reliably provisioning and performing maintenance on DSL capable loops. As a result, it is essential that SBC/Ameritech immediately provide loop acceptance testing and cooperative maintenance testing in an effective manner. At bottom, these measures are necessary to ensure that CLEC end user customers receive a reasonable level of service quality. In particular, loop acceptance testing ensures that customers receive a facility that actually works within a reasonable provisioning interval. Cooperative maintenance testing helps restore a customer's service quickly when a maintenance problem arises. As a wholesale customer of SBC/Ameritech, a CLEC can provide high quality services to its customers only to the extent SBC/Ameritech reliably provisions and maintains its facilities. Loop acceptance testing and cooperative maintenance testing help ensure that this occurs.

In this proceeding, SBC/Ameritech has demonstrated its unwillingness or inability to provide these essential forms of testing in Illinois in a satisfactory manner. In the case of acceptance testing, SBC/Ameritech has admitted that its performance in implementing such testing in Illinois has been unsatisfactory. With regard to cooperative testing, SBC/Ameritech admits that SBC has offered such testing in California for some time. Ultimately, SBC/Ameritech's failure to follow through on these commitments results in sub-standard service for Illinois end user customers. Consistent with SBC/Ameritech's merger

obligation to initiate "best practices" in Illinois,[13] this Commission must take steps to ensure that SBC/Ameritech provides acceptance testing and cooperative testing in Illinois in an expeditious and effective manner.

A. Acceptance Testing

Acceptance testing refers to testing that occurs prior to or in proximity to the time that the loop is actually provisioned. Acceptance testing ensures that the loop is actually working when it is turned over to the CLEC. Acceptance testing has been performed by Pacific Bell in California for DSL and ISDN loops since March of 1999. In Illinois, SBC/Ameritech began limited acceptance testing on May 23, 2000. (Tr. 587-88) SBC/Ameritech witness Ms. Regan admitted that SBC/Ameritech has been slow to meet its agreed upon commitments to CLECs and has "ineffectively rolled out the product." (Tr. 589) This was further demonstrated by SBC/Ameritech's record of performing acceptance tests on CLEC loops. Rhythms has requested that SBC/Ameritech conduct acceptance testing on all loops that it provisions to Rhythms. (Tr. 589) This should avoid any confusion on the part of an SBC/Ameritech technician with regard to whether a particular loop to be provided to Rhythms needs to be tested. Nevertheless, Ms. Regan acknowledged that only a small percentage of the loops for which Rhythms and other

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[13]SBC Communications Inc., SBC Delaware Inc., Ameritech Corporation, Illinois Bell Telephone Company D/B/A Ameritech Illinois And Ameritech Illinois Metro, Inc.; Joint Application for approval of the reorganization of Illinois Bell Telephone Company d/b/a Ameritech Illinois, and the reorganization of Ameritech Illinois Metro, Inc. in accordance with Section 7-204 of the Public Utilities Act and or all other appropriate relief, ICC Docket No. 98-0555, Order, Condition 19 (Sept. 23, 1999).

CLECs have requested acceptance testing have actually been tested.[14] (Tr. 589) Although Ms. Regan claimed that SBC/Ameritech was "making significant progress" in the week leading up to the hearings, SBC/Ameritech clearly has failed to come close to the consistency that is required for such an important issue. (*Id.*)

In addition to its failure to consistently perform requested acceptance testing, SBC/Ameritech has failed to engage in any acceptance testing of DSL loops carrying types of DSL other than ADSL. (Tr. 587) In California, SBC provides acceptance testing for all types of DSL, as well as ISDN. CLECs in Illinois offer a variety of DSL "flavors" other than the standard ADSL provided by SBC/Ameritech's data affiliate, AADS. As a result, it is critical that SBC/Ameritech follow through on its commitment made at the hearing to extend acceptance testing to these other technologies. (Tr. 580)

Irrespective of SBC/Ameritech's promises to improve its record, the Commission should take steps to ensure SBC/Ameritech's compliance with its obligations and commitments and order SBC/Ameritech to provide acceptance testing for all DSL and ISDN loops immediately. CLECs have been requesting acceptance testing for months. (Tr. 588) In addition, Rhythms and other carriers have amended their interconnection agreements – as required by SBC/Ameritech – to obtain acceptance testing. Nevertheless, SBC/Ameritech has failed to satisfy its obligations set forth in these amendments. The evidence provided by SBC/Ameritech in this proceeding provides little basis for believing that SBC/Ameritech will significantly improve and maintain its performance in this regard.

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[14]Rhythms stated that in the week prior to the hearing in this proceeding only 15% of its orders had been loop tested. (Tr. 603) NorthPoint reported similar data. Ameritech did not challenge the accuracy of these numbers.

SBC/Ameritech states that it has initiated a temporary solution to acceptance testing that involves a manual process whereby a CLEC must designate in the comment field of the service order form that an acceptance test is requested. SBC/Ameritech proposes a process by which a CLEC can check "Y" in the Additional Labor field on the local service request and specify "acceptance test required" in the remarks field. (SBC/Ameritech Initial Comments, Amer. Ex. 15, p. 77) Thus, SBC/Ameritech technicians need to know to manually look for the comment field in order to determine the need for an acceptance test. (Tr. 590) The problem is that SBC/Ameritech's record indicates it consistently fails to allocate the necessary resources to make these "solutions" work. Even though SBC/Ameritech agreed to adjust its procedures, it appears that SBC/Ameritech has failed to adequately train its employees to ensure that the appropriate fields are noted or that employees comply with the directive to indicate the request for acceptance testing. Furthermore, this is a manual process that SBC/Ameritech freely admits is inadequate. (Tr. 590)

As a permanent solution, SBC/Ameritech plans to put a Universal Service Order Code ("USOC") on the loop order, which would identify the loop to be tested. This information would automatically flow through all of the systems down to the technician. However, SBC/Ameritech failed to provide a commitment at the hearing as to the date by which this change will be implemented. (Tr. 591)

To ensure an adequate response to this important issue the Commission should require that within 30 days of the issuance of its order in this case SBC/Ameritech provide loop acceptance testing for at least 80 percent of the loops for which CLECs request such testing, subject to a refund to the CLEC of $50.00 of the nonrecurring charges for each

such loop SBC/Ameritech fails to test during any month thereafter in which SBC/Ameritech fails to meet the 80 percent threshold. After 90 days SBC/Ameritech should provide testing for at least 90 percent of the loops for which testing is requested, subject to a refund to the CLEC of $50.00 of the nonrecurring charges for each such loop SBC/Ameritech fails to test during any month thereafter in which SBC/Ameritech fails to meet the 90 percent threshold.

B. Cooperative Testing

Cooperative testing is equally important to CLECs in ensuring that the loops requested are actually working as promised. Cooperative testing refers to joint testing by representatives from the ILEC and CLEC, usually by telephone, to resolve maintenance problems. (Tr. 583-84) Such joint testing generally takes place with the ILEC technician in the field and the CLEC technician at the CLEC's Network Operations Center. The CLEC will typically pay the cost of dispatching the ILEC technician unless the problem turns out to be in the ILEC's network. Cooperative testing is necessary because CLEC customers are served by a combination of CLEC and ILEC facilities and this requires a coordinated effort in ensuring quality service connectivity. Moreover, in Illinois, cooperative testing is particularly critical due to a recent dramatic rise in repeated SBC/Ameritech trouble reports. Unfortunately, SBC/Ameritech has refused to engage in cooperative testing with CLECs for purposes of correcting maintenance problems.

Cooperative testing has become standard practice in the industry for isolating maintenance problems and verifying successful resolution of trouble tickets. (Rhythms Initial Comments, Rhythms Ex. 1.0, p. 4) For example, cooperative testing has proven to be very successful in other SBC/Ameritech regions such as California, where it has been offered for more than one year. (*Id.*)

While SBC/Ameritech has agreed to mirror the California process for cooperative testing, it has failed to provide concrete dates when the testing will be available to CLECs in Illinois. SBC/Ameritech witness Ms. Regan stated that SBC/Ameritech wishes to "sit down" with CLECs within the next three to four weeks and talk about the process and procedures for testing implementation. (Tr. 593-95) It is not clear why such a meeting is necessary, given that SBC has been providing cooperative testing in California for more than a year. SBC/Ameritech has no specific timetable to implement cooperative testing within Illinois. (Tr. 595) Ms. Regan surmised that cooperative testing would be implemented in 30 to 60 days. *(Id.)*

Until SBC/Ameritech implements cooperative testing in Illinois, CLECs' only choice is to use SBC/Ameritech's inefficient "vendor meet" process, where technicians from both companies meet in the field to conduct joint testing. This is unacceptable. Experience has shown that vendor meets are usually unnecessary because the CLEC can test nearly everything remotely from its Network Operations Center. Additionally, vendor meets are more resource intensive because of the difficulty of coordinating the schedules of the two technicians. With the alternative cooperative testing proposed by Rhythms and other CLECs, and adopted by SBC in California, the ILEC technician would simply call an 800 number to reach the CLEC technician by telephone when he or she is ready to engage in cooperative testing.[15] Rhythms maintains a technical staff which is able to quickly respond to these telephone inquiries. In short, SBC/Ameritech proposes an interim solution that is costly, insufficient and burdensome. This is why Rhythms and Covad are not mollified by

[15]Dialing an 800 number ensures that a test request message is in fact communicated by the ILEC and received by the CLEC.

SBC/Ameritech's promise, sometime in the future, to implement the process it has been successfully using in California for over a year.

In the absence of cooperative testing, CLECs are often relegated to resolving problems on a loop through a series of trouble tickets. A CLEC must issue a trouble ticket to SBC/Ameritech whenever the CLEC encounters a problem with one of its loops. (Tr. 586) SBC/Ameritech technicians have closed Rhythms' trouble tickets repeatedly on the same circuit as "no trouble found" and yet subsequent testing has revealed that trouble persists on the same loop. (Tr. 592; Rhythms Initial Comments, Rhythms Ex. 1.0, pp. 4-5) If the trouble is not detected, the CLEC must open another trouble ticket, pay the associated cost again, and wait for the loop to be provisioned, thus prolonging disruption of service to the end user customer. As the record established, absent cooperative testing, this procedure is sometimes repeated over and over.[16] The vast majority of this extra time is attributable to SBC/Ameritech's unwillingness to implement a cooperative testing process. (Tr. 606) Under these circumstances, CLECs are simply unable to meet the service expectations of their customers. In such cases, the best way to isolate the problem is for representatives from each company to engage in testing cooperatively, usually by telephone. In addition, such testing also allows the CLEC to ensure that a problem has in fact been resolved so that SBC/Ameritech is justified in closing the trouble ticket.

Rhythms' and Covad's experience with SBC/Ameritech and other incumbent LECs has shown that cooperative testing is necessary for expeditious and effective maintenance

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[16]Initial Comments of NorthPoint, p. 10.

and repair operations. SBC/Ameritech's refusal to engage in cooperative testing not only harms competition, but it also results in substandard service quality for Illinois customers. On the other hand, cooperative testing furthers the Commission's goals by cutting down on loop interval times and facilitating in the provisioning of competitive services.

To ensure SBC/Ameritech responses to cooperative testing in a timely manner, the Commission should require that within 30 days of the issuance of its order SBC/Ameritech provide cooperative testing for 80 percent of the loops for which such testing is requested, subject to a refund to the CLEC of $50.00 of the non-recurring cost for each such loop SBC/Ameritech fails to test during any month in which SBC/Ameritech fails to meet the 80 percent threshold. Within 90 days SBC/Ameritech must test 90 percent of the loops for which such testing is requested, subject to a refund to the CLEC of $50.00 of the non-recurring cost for each such loop SBC/Ameritech fails to test during any month in which the 90 percent threshold is not met.

C. Conclusion

In seeking approval of its merger with Ameritech, SBC claimed that the merger would result in the importation of "best practices in Illinois from other parts of SBC's region. In the case of acceptance testing and cooperative testing, this has not yet occurred. The Commission should ensure that SBC/Ameritech adopts acceptance and cooperative testing as it is currently provided by Pacific Bell. In spite of SBC/Ameritech's obligations, it has been slow to adopt these best practices in Illinois, even though Rhythms and Covad are willing to pay the cost of dispatching the ILEC technician, except when trouble is found in SBC/Ameritech's network. Given SBC/Ameritech's intransigence on this issue, the Commission should order SBC/Ameritech to provide acceptance testing and cooperative

testing within the schedules indicated in order to ensure the provision of more reliable services to Illinois consumers.

Disputed Issue 94:	**Dark Fiber/Copper Inquiry Process**
Statement of Issue:	**CLECs require the ability to make inquiries of SBC/Ameritech regarding the placement and availability of dark fiber, digital loop carriers and spare copper loops at specific locations. The current process for obtaining this information from SBC/Ameritech is manual and too time consuming. SBC/Ameritech must respond to such inquiries within 24 hours. In addition, the process should be changed to an electronic inquiry process by March 1, 2001.**
Competitive Ramifications:	**CLECs are unable to quickly determine the placement and availability of dark fiber, and whether digital loop carriers and spare copper loops exist at specific locations. It is essential that CLECs are provided this information quickly, in order to meet service commitments to their customers. The delay inherent in the current process puts CLECs at a competitive disadvantage to SBC/Ameritech, since SBC/Ameritech has this information readily available to it. Rejection of the CLEC position will result in a continuation of significant delays in obtaining information and, therefore, in providing service to CLEC customers.**
POR Language:	**The following language should be added to Section III.B of the POR.** **<u>Dark Fiber/Copper Inquiry Process</u>** **SBC/Ameritech shall immediately provide CLECs access to information regarding the availability of dark fiber, digital loop carrier systems and copper facilities, upon inquiry, equivalent to that provided to its retail operation and/or affiliates. SBC/Ameritech will respond to all such inquiries**

within 24 hours. Information that is not available in SBC/Ameritech electronic databases will be provided to the requesting CLEC manually in a mutually agreeable form within the same time frame that the information is available to SBC/Ameritech's retail operation and/or affiliates. This function will be made available for Ameritech Illinois via the application-to-application and GUI interfaces by March 1, 2001.

Covad and Rhythms join in the discussion of this issue contained in the Final Statement of Position of 21st Century Telecom of Illinois, Inc.

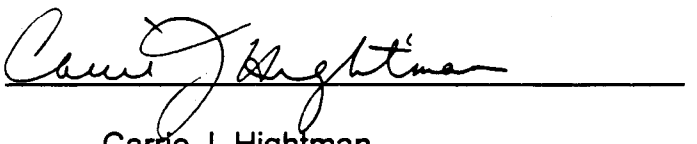
III. CONCLUSION

For the reasons set forth herein, Covad Communications Company and Rhythms Links, Inc. respectfully request that the Commission require SBC/Ameritech to revise its proposed Plan of Record consistent with the positions stated herein.

Dated: October 13, 2000

Respectfully submitted,

COVAD COMMUNICATIONS COMPANY
and
RHYTHMS LINKS, INC.

By: 

Craig Brown
Assistant General Counsel
RHYTHMS LINKS, INC.
9100 East Mineral Circle
Englewood, CO 80112
(303) 876-5335

Thomas H. Rowland
Rowland & Moore
55 E. Monroe Street
Suite 3230
Chicago, IL 60603
(312) 803-1000

Attorneys for
RHYTHMS LINKS, INC.

Carrie J. Hightman
Latrice Kirkland
SCHIFF HARDIN & WAITE
6600 Sears Tower
Chicago, Illinois 60606
(312) 258-5657

Attorneys for
COVAD COMMUNICATIONS COMPANY

Attorneys for
RHYTHMS LINKS, INC.

Felicia Franco-Feinberg
Regional Counsel
COVAD COMMUNICATIONS COMPANY
8700 West Bryn Mawr
Suite 800 South
Chicago, Illinois 60631
(773) 714-2397

STATE OF ILLINOIS)
)
COUNTY OF COOK)

VERIFICATION

I, Carrie J. Hightman, being first duly sworn upon oath depose and say that I am an attorney for Covad Communications Company and Rhythms Links, Inc.; that I am authorized to make this Verification on their behalf; that I have read the above and foregoing Final Statement of Position of Covad Communications Company and Rhythms Links, Inc. by me subscribed and know the contents thereof; and that said contents are true and correct to the best of my knowledge, information and belief.

Carrie J. Hightman

Attorney for
Covad Communications Company
and
Rhythms Links, Inc.

Subscribed and Sworn
to before me this
13th day of October 2000.

"OFFICIAL SEAL"
CHRISTINE W. HALLER
Notary Public, State of Illinois

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